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# A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO PROTECT THE  
RIGHT TO CONTRACEPTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the Hawaii  
2 Constitution must support an individual's ability to make  
3 personal decisions about one's own body and medical care through  
4 the explicit protection of the right to access contraceptives  
5 and engage in contraception. This right includes the right of  
6 each person's health care provider to provide contraceptives,  
7 contraception, and information, referrals, and services related  
8 to contraception.

9           The term "contraception" generally means an action taken to  
10 prevent pregnancy, including the use of contraceptives or  
11 fertility-awareness-based methods and sterilization procedures.  
12 The term "contraceptive" generally means any drug, device, or  
13 biological product intended for use in the prevention of  
14 pregnancy, whether specifically intended to prevent pregnancy or  
15 for other health needs, that is approved, cleared, authorized,  
16 or licensed under federal law. Contraceptives include



1 intrauterine devices (IUDs) and emergency contraceptives, such  
2 as Plan B, Ella, and the emergency application of IUDs, that  
3 work by preventing pregnancy and not, as some mistakenly  
4 believe, by terminating a pregnancy, stopping the implantation  
5 of a fertilized egg, or affecting the developing embryo.

6 The legislature further finds that fifteen states -  
7 California, Colorado, Florida, Illinois, Massachusetts,  
8 Michigan, Minnesota, New Jersey, New Mexico, Ohio, Oregon, Rhode  
9 Island, Vermont, and Washington - plus the District of Columbia  
10 have statutory or constitutional protections for the right to  
11 contraception.

12 The purpose of this Act is to propose an amendment to  
13 article I of the Constitution of the State of Hawaii to protect  
14 a person's ability to seek and obtain contraceptives and to  
15 engage in contraception. The proposed amendment is intended to  
16 further the right to privacy guaranteed by section 6 of article  
17 I of the Hawaii Constitution and is not intended to narrow or  
18 limit the constitutional right to privacy.

19 SECTION 2. Article I of the Constitution of the State of  
20 Hawaii is amended by adding a new section to be appropriately  
21 designated and to read as follows:



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"CONTRACEPTION

Section . No law shall be enacted, nor any state action taken, that denies or interferes with a person's right to obtain contraceptives or voluntarily engage in contraception."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to provide that no law shall be enacted, or any state action taken, that denies or interferes with a person's right to obtain contraceptives or voluntarily engage in contraception?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.



INTRODUCED BY: \_\_\_\_\_

# S.B. NO. 350

**Report Title:**

Right to Contraception; ConAm

**Description:**

Proposes an amendment to article I of the Hawaii Constitution to protect a person's right to obtain contraceptives and engage in contraception.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

